

SENATE BILL NO. 22

INTRODUCED BY R. LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~DEFINING "EQUINE MASSAGE THERAPY"; PROVIDING THAT~~
~~EQUINE ANIMAL MASSAGE THERAPY IS NOT THE PRACTICE OF VETERINARY MEDICINE; AND~~
~~AMENDING SECTIONS 37-18-101 AND SECTION 37-18-104, MCA."~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1. Section 37-18-101, MCA, is amended to read:~~

~~"37-18-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions~~
~~apply:~~

~~(1) "Board" means the board of veterinary medicine provided for in 2-15-1742.~~

~~(2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part~~
~~17.~~

~~(3) "Equine massage therapy" is the therapeutic, hands-on application of professional human massage~~
~~techniques applied to an equine animal."~~

Section 1. Section 37-18-104, MCA, is amended to read:

"37-18-104. Exemptions -- rules. (1) This chapter does not apply to:

(a) veterinarians in the performance of their official duties, either civil or military, in the service of the
United States unless they engage in the practice of veterinary medicine in a private capacity;

(b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in the
employ of this state or the United States and engaged in labors in laboratories under the direct supervision of
the board of livestock, Montana state university-Bozeman, or the United States;

(c) lawfully qualified veterinarians from other states or a foreign country meeting legally licensed and
registered Montana veterinarians in this state in consultation;

(d) a veterinarian residing on a border of a neighboring state and authorized under the laws of that state
to practice veterinary medicine, who is actually called to attend cases in this state but who does not open an
office or appoint a place to meet patients or receive calls in this state, if veterinarians licensed and registered

1 in this state are extended a like privilege to engage in the practice of veterinary medicine to the same extent in
2 the neighboring state;

3 (e) the employment of veterinary medical students who have successfully completed 3 years of the
4 professional curriculum in veterinary medicine at a college having educational standards equal to those
5 approved by the American veterinary medical association, if the students are employed by and work under the
6 immediate supervision of a veterinarian licensed and registered under this chapter; or

7 (f) a person advising with respect to or performing acts that the board defines by rule as accepted
8 livestock management practices.

9 (2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and swine
10 are not the practice of veterinary medicine within the meaning of this chapter.

11 (3) Nonsurgical embryo transfers in bovines may be performed under the supervision of a veterinarian
12 licensed and residing in Montana. At a minimum, board rules regarding nonsurgical embryo transfers in bovines
13 must address:

14 (a) minimum education requirements;

15 (b) minimum requirements of practical experience;

16 (c) continuing education requirements;

17 (d) limitations on practices and procedures that may be performed by certified individuals;

18 (e) the use of specific drugs necessary for safe and proper practice of certified procedures;

19 (f) content and administration of the certification test, including written and practical testing;

20 (g) application and reexamination procedures; and

21 (h) conduct of certified individuals, including rules for suspension, revocation, and denial of certification.

22 (4) This chapter does not prohibit a person from caring for and treating the person's own farm animals
23 or being assisted in this treatment by the person's full-time employees, as defined in 2-18-601, employed in the
24 conduct of the person's business or by other persons whose services are rendered gratuitously in case of
25 emergency.

26 (5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered
27 pharmacist at the pharmacist's regular place of business.

28 (6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities
29 determined by board rule to be acceptable, when performed under the supervision of the employing veterinarian.

30 (7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for that

1 veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under this
2 subsection include activities determined by board rule to be acceptable but do not include the performance of
3 surgery or the rendering of diagnoses.

4 (8) This chapter does not prohibit a certified agency from possessing, or a certified euthanasia
5 technician from administering, any controlled substance authorized by the board for the purpose of euthanasia
6 pursuant to part 6 of this chapter.

7 ~~(9) The activity known and designated as equine massage therapy~~ ANIMAL MASSAGE is not the practice
8 of veterinary medicine within the meaning of this chapter. (Subsection (8) terminates January 1, 2008--sec. 11,
9 Ch. 60, L. 2003.)"

10 - END -